

A RESOLUTION

02-R-0367

Councilmember Jim Maddox

A Resolution to oppose House Bill 1248 which decreases the membership of the Atlanta/Fulton County Library Board of Trustees from seventeen (17) to seven (7); and for other purposes

WHEREAS, in April, 1982 an Act of the General Assembly of Georgia was approved for the establishment of a countywide Library System in Fulton County;

WHEREAS, said Act was amended in 1995 and subsequently amended in 1997; and

WHEREAS, presently there are seventeen (17) members on the Atlanta/Fulton County Library Board, which includes:

1. the Mayor of the City of Atlanta (or his/her designee),
2. a member of the Atlanta City Council (to be appointed by said Council),
3. the Chairperson of the Fulton County Commission (or his/her designee),
4. a member of the Fulton County Commission (to be elected by that Commission); and
5. thirteen (13) other citizen representatives, one of which represents Atlanta in Dekalb; and

WHEREAS, House Bill 1248 stipulates that the membership of the Atlanta/Fulton County Board of Trustees shall consist of seven members, one of which shall be appointed by each of the Fulton County Commissioners; and

WHEREAS, the representation of the City of Atlanta, the County's most populous jurisdiction, would have its representation drastically reduced; and

WHEREAS, said Bill further stipulates that no elected official shall Serve on the Atlanta/Fulton County Board of Trustees;

WHEREAS, the effect of this Bill would leave that portion of Atlanta that falls in Dekalb County without representation; and

WHEREAS, the Atlanta/Fulton County Board of Trustees, as presently populated, has a total of four (4) elected officials; and

WHEREAS, without elected officials, there would be no direct representation of the people of the City of Atlanta or Fulton County.

THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby goes on record as officially **opposing** House Bill 1248 which decreases the membership of the Atlanta/Fulton County Board of Trustees.

BE IT FURTHER RESOLVED that the Municipal Clerk be directed to transmit a copy of this legislation forthwith to all members of the Fulton County and the Dekalb County delegations.

02

LC 19 5301

House Bill 1248

By: Representatives Campbell of the 42nd, Willard of the 44th, Burkhalter of the 41st and
Wilkinson of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the establishment of a county-wide library system in Fulton
2 County, approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, particularly by an Act
3 approved April 5, 1995 (Ga. L. 1995, p. 4084), an Act approved April 1, 1996 (Ga. L. 1996,
4 p. 3859), and an Act approved April 4, 1997 (Ga. L. 1997, p. 3636), so as to change the
5 membership and number of members of the library board of trustees; to provide for vacancies
6 and related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 An Act providing for the establishment of a county-wide library system in Fulton County,
11 approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, particularly by an Act approved
12 April 5, 1995 (Ga. L. 1995, p. 4084), an Act approved April 1, 1996 (Ga. L. 1996, p. 3859),
13 and an Act approved April 4, 1997 (Ga. L. 1997, p. 3636), is amended by striking Section
14 4, which reads as follows:

15 "SECTION 4.

16 (a) Responsibility for constructing, operating, and maintaining all library facilities and
17 services within the above-mentioned portions of Fulton County shall hereinafter be vested
18 in the county-wide library system which shall be administered by the library board of
19 trustees. The members of the current library board of trustees in office at the time of the
20 effective date of this section shall remain members of the library board of trustees and shall
21 serve in that capacity for the remainder of their respective terms.

22 (b) The mayor of the City of Atlanta or his or her designee shall serve on the library board
23 of trustees in an ex officio capacity. One member of the Atlanta City Council shall be
24 elected by the city council to serve as a regular member on the library board of trustees.
25 The chairperson of the Fulton County Board of Commissioners or his or her designee shall

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1 also serve on the library board of trustees in an ex officio capacity; and the board of
2 commissioners shall elect one member from their board to serve as a regular member of
3 the library board of trustees.

4 (c) The Board of Commissioners of Fulton County shall appoint six members of such
5 library board of trustees, and of such membership one member shall be a resident of a
6 municipality from the north Fulton area, one member shall be a resident of a municipality
7 from the south Fulton area, one member shall be a resident from the special tax district of
8 the unincorporated area, and three members shall be residents of the City of Atlanta. The
9 chairperson of the Fulton County Board of Commissioners shall appoint a seventh member,
10 who shall be a resident of any area of Fulton County.

11 (d) The board of trustees shall nominate two persons to fill each of five positions on the
12 board of trustees, and of the two persons so nominated for each position the Board of
13 Commissioners of Fulton County shall appoint one. The nomination and appointment of
14 members under this subsection shall be made such that of these five members at least one
15 shall at all times be a resident of unincorporated south Fulton County.

16 (e) On or before July 1, 1995, the mayor of the City of Atlanta shall appoint one resident
17 of DeKalb County within the City of Atlanta to serve as a member of the library board of
18 trustees.

19 (f) All members of the board of trustees shall serve for terms of four years expiring on
20 June 30 of the final year of the term.

21 (g) Members of the library board of trustees shall be removed for cause or for failure to
22 attend three consecutive meetings pursuant to the bylaws of the library board of trustees.

23 (h) The total membership of the board of trustees shall at all times on and after July 1,
24 1995, consist of 17 members: four under subsection (b) of this section; seven under
25 subsection (c) of this section; five under subsection (d) of this section; and one under
26 subsection (e) of this section. Successors shall be appointed in the same manner as the
27 members they succeed, so that the total membership of the board will always remain 17
28 members. Vacancies on the library board of trustees shall be filled in the same manner as
29 initial appointments are made. If a vacancy occurs prior to the expiration of a trustee's
30 term, the person who is appointed to fill that vacancy shall serve for the unexpired term.

31 (i) Members of the library board of trustees may receive a per diem allowance for each
32 meeting of the board of trustees which they attend. Such allowance shall be in such
33 amount as may be fixed from time to time by the Board of Commissioners of Fulton
34 County.",

35 and inserting in its place a new section to read as follows:

02

LC 19 530:

"SECTION 4.

(a) Responsibility for constructing, operating, and maintaining all library facilities and services within the above-mentioned portions of Fulton County shall hereinafter be vested in the county-wide library system which shall be administered by the library board of trustees. The terms of office of each member of the library board of trustees serving as such trustee upon December 31, 2001, shall expire upon July 1, 2002. On and after July 1, 2002, the library board of trustees shall consist of seven members, with one member appointed by each member of the Board of Commissioners of Fulton County. Each member of the board of trustees appointed by a member of the Board of Commissioners of Fulton County shall reside within the same commissioner district as the appointing member of such board of commissioners and shall continue to reside in such district during the term of office of such member of the board of trustees or that office shall become vacant. No person may be appointed or serve as a member of the library board of trustees who holds any elective office.

(b) The members of the board of trustees first appointed pursuant to subsection (a) of this section shall be appointed by the members of the Board of Commissioners of Fulton County who are elected to such board of commissioners at the general election in 1998, and those members of the board of trustees so appointed shall take office the first day of January immediately following that election and serve for terms of office of four years each and until the appointment and qualification of their respective successors. Those and all future successors to members of the board of trustees whose terms of office are to expire shall be appointed by members of the Board of Commissioners of Fulton County who are elected to such board of commissioners at the election immediately preceding the expiration of such terms of office and shall serve for terms of office of four years each and until the appointment and qualification of their respective successors.

(c) Vacancies on the library board of trustees which occur because of any reason other than the expiration of a term of office shall be filled in the same manner as the initial appointments, and persons appointed to fill such vacancies shall serve for the remainder of the unexpired term and until the appointment and qualification of their respective successors.

(d) Members of the library board of trustees shall be removed for cause or for failure to attend three consecutive meetings pursuant to the bylaws of the library board of trustees.

(e) Members of the library board of trustees may receive a per diem allowance for each meeting of the board of trustees which they attend. Such allowance shall be in such amount as may be fixed from time to time by the Board of Commissioners of Fulton County."

LC: 19 530

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

4 **SECTION 3.**
5 All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2002 session of the General Assembly of Georgia a bill to amend an Act providing for the establishment of a county-wide library system in Fulton County, approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, so as to change the membership and number of members of the library board of trustees; to provide for vacancies and related matters; and for other purposes.

This 30th day of January, 2002.

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Tom Campbell, who on oath deposes and says that he is the Representative from the 42nd District and further deposes and says as follows:

(1) That the attached Notice of Intention to Introduce Local Legislation was published in the Daily Report which is the official organ of Fulton County on the following date: February 1, 2002.

(2) That the laws requiring notice of local legislation were further complied with in the manner checked below:

_____ A copy of the notice of intention was mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government whose charter or enabling Act is amended, as required by subsection (b) of Code Section 28-1-14.

_____ The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill was requested by resolution or other written notification of the governing authority of the affected county, municipality, or consolidated government and a copy of such resolution or notification is attached hereto.

☒ The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill does not amend the charter of a municipality or the enabling Act of a county or consolidated government or the bill affects a local school system.

_____ The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill is an annexation bill and a copy of the bill was provided to the county governing authority within which the area to be annexed is located at the time the notice was published, as required by Code Section 28-1-14.1.

Tom Campbell
s/Tom Campbell
Representative, 42nd District

Sworn to and subscribed before me,

this 4th day of February, 2002.

Deana Coker
s/Deana Coker
Notary Public, Laurens County, Georgia
My Commission Expires Aug. 18, 2003
(SEAL)



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(Do Not Write Above This Line)

A RESOLUTION

Councilmember Jim Maddox

A Resolution to oppose House Bill 1248 which decreases the membership of the Atlanta/Fulton County Library Board of Trustees from seventeen (17) to seven (7); and for other purposes

First Reading

Committee _____

Date _____

Chair _____

Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED



☐ CONSENT REFER

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☒ PERSONAL PAPER REFER

Date Referred 2/18/02

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

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